

## UNITED STATES DISTRICT COURT

Jury demand date: by Court 5-16-68

D. C. Form No. 106A Rev.

9

## TITLE OF CASE

## ATTORNEYS

MARVIN LEROY "ROY" LONG

VS

JUNE DEAN HANK

## For plaintiff:

Carl W. Longmire, 226 E. Graham  
 Pryor, Oklahoma 74361 325 0601

Jack Gaither  
 500 W. 7th  
 Tulsa, Oklahoma

Joseph A. Sharp,  
 Best, Sharp, Thomas & Glass  
 200 Franklin Bldg.,  
 Tulsa, Oklahoma 74103

## For defendant:

Bert McElroy  
 205 Denver Building  
 Tulsa, Oklahoma 74103

Richard Carpenter  
 205 Denver Building  
 Tulsa, Oklahoma 74103

## STATISTICAL RECORD

## COSTS

## DATE

NAME OR  
RECEIPT NO.

## REC.

## DISB.

J.S. 5 mailed 1-2-68

Clerk

1967

12-22 McElroy

15 00

12-28 C/D 28

15 00

2-5-70 Sharp

5 00

2-12-70 C/D 35

5 00

J.S. 6 mailed 11-1-69

Marshal

Basis of Action: Personal  
 Injury - auto accident

Docket fee

Witness fees

Action arose at: Muskogee  
 County

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-22-67	Petition for Removal from District Court of Mayes County, Okla., filed. w	
12-22-67	Bond on Removal (\$500 00), Principal - June Dean Hank, Surety - Fidelity and Deposit Co. of Maryland, a Maryland Corp., filed. w	
12-22-67	Notice of Removal, filed. w	
12-29-67	Defendant's Motion to dismiss for lack of jurisdiction due to insufficient process and insufficient service of process along with brief, filed. w	
1-2-68	Proof of service, filed. g	
1-8-68	Certificate of filing from District Court of Mayes County, filed. w	
2-15-68	Deposition of Marvin Leroy Long on behalf of defendant taken before Timothy Holmes, CSR, filed. (Fee \$85.00 pd by defendant) w	
2-14-68	Ordered by the Court that the defendant's motion to dismiss for lack of jurisdiction due to insufficient process and insufficient service of process is denied; defendant granted 10 days to answer; defendant to prepare order. (Luther Bohanon - Judge) (FS-CSR) b	
2-26-68	Defendant's Answer, filed. ds	
3-11-68	Ordered by the Court that this case is set for pre-trial on Monday, April 8, 1968 at 9:30 A. M. (Luther Bohanon - Judge) b	
4-8-68	Ordered by the Court that this case is stricken from the pre-trial assignment of this date by agreement of the parties. (Luther Bohanon - Judge) b	
4-18-68	Ordered by the Court that this case is set for pre-trial on Thursday, May 16, 1968 at 9:30 A. M. (Luther Bohanon - Judge) b	
5-8-68	Order of 2-14-68 filed that defendant's motion to dismiss for lack of jurisdiction is overruled and the defendant should answer within 10 days. (Luther Bohanon - Judge) b	
5-16-68	Pre-trial hearing held. Statements and stipulations made. Plaintiff to be examined by the defendant, doctor's report to be given plaintiff, photographs and maps to be exchanged. Case to be set on the jury assignment. Plaintiff directed to prepare pre-trial order within 10 days. (Luther Bohanon - Judge) (FS-CSR) b	
9-16-68	Ordered by the Court that this case is set for jury trial on Monday, October 28, 1968 at 9:30 A. M. (Luther Bohanon - Judge) b	
10-4-68	Defendant's Requested Instructions, filed. ds <i>mailed</i>	
10-8-68	Defendant's motion for continuance, filed. w <i>mailed copy</i>	
10-9-68	Amendment of Answer, by defendant June Dean Hank, filed. js	
10-11-68	Ordered that defendant's motion for continuance is agreed to by parties and case is stricken from jury assignment of 10-28-68 to be put on next jury docket. (LB-J)w	
2-13-69	Case set for Jury Trial on Tuesday, 3-11-69 at 9:30 A.M. (LB-J)h	
2-24-69	Deposition of Dr. T. G. Hodge, taken on behalf of defendant, filed. (\$34.00)g	
2-25-69	Deposition of Dr. Robert L. Imler, Jr., taken on behalf of defendant, before Glen R. Dorrough, CSR Feb. 18, 1969, filed. (Fee \$30.00) b	
3-10-69	Case stricken from jury assignment of 3-11-69. (LB-J)m	
3-27-69	Stipulation of parties, that parties file memorandum, filed. b	
3-28-69	Case set for jury trial on Monday 4-21-69 at 9:30 a.m. (LB-J)m	
3-28-69	Deposition of Dr. John E. McDonald, on behalf of defendant taken before Loyd J. Christesson, CSR, filed. \$44.00 paid by defendant. ds	
3-28-69	Deposition of Dr. Donald D. Collins, on behalf of defendant, taken before Loyd J. Christesson, CSR, filed. \$28.00 paid by defendant. ds	
4-16-69	Case stricken from jury assignment of 4-21-69 at request of pltf. (LB-J)m	
4-17-69	Case set for hearing on Court's motion to dismiss for failure to prepare pre-trial order. (LB-J) ds (on Tuesday August 5, 1969 at 9:30 a.m.)	

(continued on Sheet No. 2, page No. 3)

67-C-248

## D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-4-69	Pre-trial order, filed. (LB-J)m	
8-4-69	Ordered that hearing on Court's motion to dismiss for failure to prepare pre-trial order on August 5, 1969, is stricken. (LB-J)m	
8-26-69	Case set for jury trial Monday 10-27-69 at 9:30 a.m. (LB-J)m	
10-22-69	Return on civil subpoena to Donald Collins, M.D., filed. (Fees: \$12.80)m	
10-22-69	Return on civil subpoena to T. G. Hodge, M.D., filed. (Fees: \$3.72)m	
10-27-69	Case passed to jury docket of 10-28-69 at 9:30 a.m. (LB-J)m	
10-28-69	Case called for jury trial on October 28 and October 29, 1969. Plaintiff strikes claim of services of wife from case. Jury brings in a verdict for the defendant. Deft. to prepare order. (LB-J)m	
10-29-69	Verdict, filed in open Court. m	
10-29-69	Trial exhibits, filed. (Pltf's #1 & 10; def't's 3 thru 8 in exhibit room). m	
10-30-69	Judgment, filed and entered, that the pltf. take nothing, that action is dismissed on its merits, and that def't. recover costs of action. (LB-J)m (copies mailed)	
11-7-69	Plaintiff's motion for new trial, filed. m	
12-5-69	Brief of Plaintiff in support of motion for New Trial filed.h	
12-31-69	Defendant's brief in opposition to plaintiff's motion for new trial, filed. b	
1-7-70	Case called for hearing on pltf's motion for new trial. Motion is overruled and def't. to prepare order. (LB-J)m	
1-7-70	Order that plaintiff's motion for a new trial is overruled, (LB-J)m <b>filed and entered.</b>	
2-2-70	Transcript of certain excerpts from testimony of witness Long and witness Mootz, and from argument of Mr. McElroy (having to do with medical bills of Dr. Mootz), Oct. 27, 1969, filed. (F. Sickles, CSR)g	
2-5-70	Notice of appeal by plaintiff, filed. cpy to USCA and Bert McElroy.g	
3-18-70	Order extending time to lodge appeal to and including 5-6-70, filed. (LB-J)m (copies mailed Clerk, USCA, and counsel)	
4-29-70	Transcript of testimony of Marvin Long, Mrs. Imogene Long and June Hank, Court's instructions and exceptions thereto, filed. (Sickles-CSR)g	
5-5-70	Bond on appeal, filed. g	
5-5-70	Orig. + 3 copies of appeal record (2 vols.) forwarded to USCA. g	
6-15-70	Application of plaintiff for order granting 60 days to prepare and file substitute record on appeal, filed. g (Orig. record lost in mail.)	
6-17-70	Order granting plaintiff 60 days to prepare and file substitute appeal record to replace the record lost in transit to USCA, filed. (LB-J)g cpy to USCA & McElroy.	
8-14-70	Substitute record on appeal sent to USCA. g (4 copies) 2 vols.	
4-19-72	Mandate and Opinion of USCA affirming judgment of 10-30-69, filed and spread of record. g	
6-20-72	Copy of appeal record (2 vols) received from USCA. (Orig. record was never received by them.)g	
7-20-73	Order of disbursement filed. Clerk to disburse \$250 cash appeal bond to Marvin LeRoy "Roy" Long. (LB-J) ds	

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